



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Foreign Military Certification
Procedures

Date: September 30, 2004

From: Manager, Certification Programs Branch, AIR-110

Reply to
Attn. of: Randall Petersen:
202-267-9583

To: SMT, ACOMT, AMA-220

Reference: 14 CFR § 21.101, Advisory Circular 21.101-1 change 1, Order 8110.4(b), and Order 8110.48.

This memorandum defines policy for all Directorate and Aircraft Certification Office (ACO) staff regarding certification of United States (U.S.) certificated aircraft modified for use by a foreign military government. This memorandum provides additional information pertaining to the above certification guidance procedures.

Advisory Circular 21.101-1 change 1 and Order 8110.48 contain the procedures for defining the certification basis for product changes. Changes to the certification basis must list the regulations and amendment level of each regulation for the changed product. The certification basis should also include equivalent level of safety findings, exemptions, and special conditions as appropriate.

The FAA is not chartered for certification of products modified for use by a foreign military government. However, to support the U.S. aviation industry, the FAA may accept applications for these projects on a case-by-case basis considering the burden imposed on its primary U.S. safety mission responsibility. The FAA considers these aircraft to have no U.S. civil aviation application and, therefore, do not represent an impact on the safety of the U.S. civil aviation system.

Our certification goal for foreign military products is to establish a level of safety commensurate with the product's intended use. These aircraft are not used for commercial passenger transportation or compensation and hire operation. Additionally, the aircraft platform may consist of provisions for military equipment installed on a non-interference basis. Applying 14 CFR § 21.101, it is reasonable to expect that compliance to the latest regulations would not contribute materially to the overall aircraft's level of safety. Therefore, the existing certification basis may be used as the starting point for regulatory compliance findings. Additional later regulations and special conditions may be required to provide a minimum level of safety for the aircraft's intended use.

Document the limitation section of the Supplemental Type Certificate or Amended Type Certificate with the following statement: "This aircraft is certified only for use by a foreign military government. This aircraft is not eligible for U.S. airworthiness certification without re-evaluation per 14 CFR § 21.101."

/s/

Nancy Lane